

STATE OF LOUISIANA
MUNICIPAL FIRE AND POLICE CIVIL SERVICE LAW
ACT 282 OF 1964
LOUISIANA REVISED STATUTES 33:2531, et seq.

FIRE AND POLICE CIVIL SERVICE LAW
FOR
SMALL MUNICIPALITIES
WITH A POPULATION OF NOT LESS THAN 7,000 OR MORE THAN 13,000



COMPILED BY
Office of the State Examiner
Municipal Fire and Police Civil Service

May, 2010

LOUISIANA REVISED STATUTES

TITLE 33 MUNICIPALITIES AND PARISHES

CHAPTER 5. CIVIL SERVICE

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TITLE 33 MUNICIPALITIES AND PARISHES

CHAPTER 5. CIVIL SERVICE

PART III. FIRE AND POLICE CIVIL SERVICE LAW FOR SMALL MUNICIPALITIES AND FOR PARISHES AND FIRE PROTECTION DISTRICTS

§ 2531. Mandatory civil service in certain municipalities, parishes and districts

Permanent appointments and promotions for paid firemen and policemen in the classified civil service as enumerated herein in all municipalities having a population of not less than seven thousand and not more than thirteen thousand, according to the last preceding decennial census of the United States for which the final report of population returns have been printed, published and distributed by the director of the census or according to a special census authorized by R.S. 1:11.1 subject to the approval of the local governing authority and verified by the state treasurer if said special census is later, and in all parishes and fire protection districts, shall be made only after certification pursuant to a general system based upon merit, efficiency and fitness, under which certificates shall be based on examinations which, so far as practical, shall be competitive, and all employees in the classified service shall be employed from those eligible under such certification.

Added by Acts 1964, No. 282, § 1. Amended by Acts 1977, No. 101, § 1.

§ 2531.1. Continuation of coverage by Part

Notwithstanding any provision of law to the contrary, the provisions of this Part shall continue to be applicable to any municipality, parish, or fire protection district which, prior to July 1, 2006, established a classified civil service pursuant to this Part.

Added by Acts 1991, No. 743, § 1, eff. July 18, 1991; Acts 1991, No. 1005, § 1, eff. July 24, 1991, Acts 2006, No. 460, § 1, eff. July 1, 2006.

§ 2532. Short title

This Part shall be known and may be cited as "The Fire and Police Civil Service Law for Small Municipalities and for Parishes and Fire Protection Districts."

Added by Acts 1964, No. 282, § 1.

§ 2533. Definitions

The following words and phrases, when used in this Part, shall have the following meaning unless the context clearly requires otherwise:

1. "Allocation" means the official determination of the class to which a position in the classified service belongs.
2. "Appointing authority" means any official, officer, board, commission, council or person having the power to make appointments to positions in the municipal, parish or fire protection district fire service.

3. "Appointment" means the designation of a person, by due authority, to become an employee in a position, and his induction into employment in the position.
4. "Board" means the municipal, parish, or fire protection district fire and police civil service board.
5. "Class" or "class of position" means a definitely recognized kind of employment in the classified service, designated to embrace positions that are so nearly alike in the essential character of their duties, responsibilities and consequent qualification requirements that they may fairly and equitably be treated alike under like conditions for all personnel purposes.
6. "Classification plan" means all the classes of positions established for the classified service.
7. "Classified service" means every appointive office and position of trust or employment in the municipal government, parish government, or fire protection district government which has as its primary duty one of the functions specifically set forth to be included in the classified service by the provisions of this Part; and excludes all elective and appointive offices and positions of trust or employment which have a primary duty specifically set forth to be included in the unclassified service by the provisions of this Part.
8. "Demotion" means a change of an employee in the classified service from a position of one class to a position of a lower class which generally involves less responsibility and provides less pay.
9. "Department service" means employment in the public service offered and performed separately by the fire or police department of the municipality, parish or fire protection district.
10. "Eligible" means a person whose name is on a list.
11. "Employee" means a person legally occupying a position.
12. "Employment list" or "lists" means a reinstatement employment list, a promotional employment list, a competitive employment list and a re-employment list.
13. "Position" means any office or employment in the municipal, parish or fire protection district, fire or police service, the duties of which call for services to be rendered by one person.
14. "Promotion" means a change of an employee in the classified service from a position of one class to a position of a higher class which generally involves increased responsibilities and provides increased pay.
15. "Promotion employment list" or "promotion list" means an employment list, containing the names of eligible persons established from the results of promotion tests given for a particular class of positions; which is not specifically required by this Part to be established from the results of a competitive test.
16. "Promotion test" means a test for positions in a particular class which are not specifically required by this Part to be filled by competitive tests, admission to which is limited to regular employees of the next lower class, or the next lower classes when authorized by the rules, in the classified service.
17. "Re-employment list" means an employment list for the entrance or lowest ranking class in the classified service, or any group of classes that may be grouped in the classification plan, containing names of regular employees who have been laid off under the "lay off" provisions of this Part. This list shall not be applicable to persons who have resigned or have been discharged.
18. "Regular employee" or "permanent employee" means an employee who has been appointed to a position in the classified service in accordance with this Part after completing his working test period.

19. "Reinstatement employment list" or "reinstatement list" means an employment list containing names of persons eligible for reinstatement in positions of a class from which they have been demoted for reasons other than disciplinary action.
20. "Seniority" means the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed and has worked continuously, to and including the date of computation. Time during which an employee has served in the armed forces of the United States subsequent to May 1, 1940 shall be construed to mean continuous service and shall be included in the computation of his seniority. Total seniority in the departmental service, including positions of any and all classes, or seniority in any one or more given classes, may be computed for an employee, but in either case employment shall be continuous and unbroken by a resignation or discharge of the respective employee. An employee who is finally discharged or resigns from his position shall forfeit all accumulated seniority. An employee who is suspended and returns to his position immediately following the expiration of his suspension shall not forfeit his seniority accumulated to the date of his suspension, but he shall not be given credit for the lost time at any future compensation.
21. "Temporary appointment" means the appointment of an employee for limited period of service without acquisition by the appointee of any continuing right to be retained beyond such period.

Added by Acts 1964, No. 282, § 1. Amended by Acts 1965, No. 146, § 1.

§ 2534. Effective date of provisions

Any system of municipal fire and police civil service under Act 102 of 1944, as amended, or under the provisions of R.S. 33:2471-33:2508 which is in force on the effective date of this Part is continued in effect under the provisions of this Part.

The rights of any person under Act 102 of 1944, as amended, and under the above Sections of the Revised Statutes or under any fire and police civil service laws, which exist on the effective date of this Part are continued in effect. Every rule, classification plan or allocation established under the above provisions which is in force on the effective date of this Part is continued in effect until it is amended or repealed by the proper authority under this Part.

Added by Acts 1964, No. 282, § 1. Amended by Acts 1965, No. 146, § 1.

§ 2535. System of classified civil service

There is created, in the municipal government, in each parish government and in the government of each fire protection district, a classified civil service embracing the positions of employment, the officers, and employees of the fire and police services in municipalities covered by this Part, and of fire and police services in the parishes and the fire protection districts, respectively. The classified civil service shall be known as "The Fire and Police Civil Service".

Added by Acts 1964, No. 282, § 1. Amended by Acts 1965, No. 146, § 1.

§ 2536. Fire and police civil service boards

- A. A fire and police civil service board is hereby created in the municipal, parish, or fire protection district which shall be composed of five members who shall serve without compensation. This board shall have a chairman, vice-chairman and a secretary. The domicile of the board shall be within the area it serves.
- B. (1)(a) To be eligible for appointment or to serve as a member of a board, a person shall be a

citizen of the United States of America, a resident of the area for which fire or police protection is provided for at least five years next preceding his appointment, and at the time of his appointment a qualified voter of the area.

(b) However, with respect to the two members elected by and from the fire and the police departments as provided in R.S. 33:2536(C)(3), such members shall have been residents of the parish in which the area they are to serve is located for a period of at least five years preceding their appointment, provided such residence requirement is approved by resolution of the local governing authority.

(2)(a) Any employee, while serving as a member of a board, shall occupy, as a regular employee, a position or office lower than that of chief, assistant chief, district chief, or battalion chief in the fire service; or a position or office lower than that of chief, assistant chief, or major in the police service.

(b) No member of a board shall have been, during a period of six months immediately preceding his appointment, a member of any local, state, or national committee of a political party, or an officer or member of a committee in any factional political club or organization.

(c) No member of a board shall be a candidate for nomination or election to any public office or hold any public office or position of public employment, except that of notary public, a military or naval official office, or that of a municipal the fire or police department which is expressly required by the provisions of this Part.

- C. The first five members of a board shall be appointed by the governing body of the municipality, parish or fire protection district, as the case may be, during the ninety day period immediately following the date that this Part takes effect in a municipality, parish or fire protection district under R.S. 33:2531.

The members of the board shall be appointed by the governing body as follows:

- (1) One shall be appointed by the governing body upon its own nomination.
- (2) Two members shall be appointed from a list of four nominees which shall be furnished, within sixty days after the governing authority makes a request by certified letter for such list, by the executive head of a regularly chartered and established four-year institution of higher education located within the area served; or, if there is no such institution in the area served, by the executive head of such an institution which is within the state and which is the most geographically proximate to the area served. If a list of nominations is not submitted within sixty days after submission of request for such list, such failure shall be considered a failure to perform a ministerial duty required by law of a public official or corporate officer. To this end, the district attorney for the parish in which the institution is located shall provoke the issuance of a writ of mandamus to compel the official or officer to act as provided by law.
- (3) Two members shall be appointed who shall be first nominated and elected by and from the regular employees of the fire and police department as follows: One member shall be elected and appointed from the fire department, and one member shall be elected and appointed from the police department. The employee-nominee from each department shall be elected by secret ballot of the regular employees of his respective department at an election to be called and held for that purpose by the chief of the department. The chief of each department shall call such an election within forty-five days after this Section takes effect in the area affected by posting, for a fifteen day continuous period immediately preceding the election, a notice thereof on the bulletin board of each station house of his department; and, shall officially notify the governing body of the area affected within the ten day period immediately following the election, the name of the employee-nominee so elected by the regular employees of his department. The chief of the department shall vote in the election only in the case of a tie vote.

- D. The term of office for all members of the board shall be for a period of three years, except that the first member appointed by the governing body of a municipality, parish or fire protection district upon its own nomination shall serve for a period of two years; the first employee-members nominated and appointed as provided above shall serve a term of one year, and the members appointed as provided in R.S. 33:2536 (C) (2) shall serve a term of three years. Each member shall serve until his successor has been appointed and qualified.
- E. Upon the expiration of the term of office of any member of a board, or whenever a vacancy in the office of any member thereof occurs, the governing body of the municipality, parish or fire protection district, as the case may be, shall appoint a successor in the same manner as the outgoing member was appointed; and such successive appointment shall be made within ninety days after the expiration or vacancy occurs.
- F. Each member shall take the oath of office before entering upon the duties of his office. His oath shall include a statement to uphold the constitution and laws of Louisiana and of the United States and to administer faithfully and impartially the provisions of this Part and the rules adopted under the authority of this Part.
- G. Members of such a board serving under Act 102 of 1944 or under R.S. 33:2471-33:2476 at the time this act takes effect shall continue in office until the expiration of the term for which they were appointed.
- H. Any member of a board shall be liable to removal from office by judgment of the district court of his domicile for high crimes and misdemeanors in office, incompetency, corruption, favoritism, extortion, oppression in office, gross misconduct, or habitual drunkenness. The district attorney of the district wherein the board member resides may institute such suit, and shall do so upon the written request, specifying the charges, of twenty-five citizens and taxpayers of the municipality, parish or fire protection district, as the case may be, of which the board member is a resident. The district attorney shall associate in the diligent prosecution of such suit any attorney selected and employed by the citizens and taxpayers.
- I. The governing body of the municipality, parish or fire protection district shall advise, within the ninety-day period provided for the appointment of the board members, each appointee of his appointment and term of office as a member of the fire and police civil service board, and an official record thereof shall be placed in the official minutes of the governing body.
- J. The original members of the board shall meet within thirty days after their appointment in their first official meeting, and at said meeting they shall take the oath of office, elect a chairman and vice-chairman and transact any other necessary business. The oath of office shall be administered by any person having the legal authority to administer oaths.
- K. A chairman and vice-chairman shall be elected by the members of the board for terms which shall run concurrently with that for which each was appointed to serve as a member of the board, however, the term of either office shall terminate upon death of the incumbent or upon his resignation from the office or from the board or his removal from the board.
- L. (1) At the discretion of the board, the office of secretary shall be filled in one of the following ways:
- (a) By electing one of its members thereto.
 - (b) By appointing the city clerk, parish treasurer, or secretary of the fire protection district, as the case may be, to fill such office ex officio.
 - (c) By employing and paying on a part-time basis any other person a salary not to exceed seven hundred fifty dollars per month which salary shall be approved by the municipal governing authority.
- (2) The secretary shall serve at the pleasure of the board. No person serving as secretary of the board, except a member thereof, shall have the right to vote in its proceedings. The

secretary shall attend all meetings of the board, keep a record of its proceedings, attend to correspondence directed to him and other correspondence ordered by the chairman, perform other functions assigned to him by the board, and cooperate with the state examiner in such manner as will assist the examiner effectively to carry out the duties imposed upon him by this Part or those functions which may be requested of him by the board.

- M. The board shall meet at any time after its original meeting upon the call of the chairman, who shall give all members of the board due notice thereof. The chairman of the board shall call, and the members of the board shall attend, one regular meeting of the board within each quarterly period of each calendar year. If a chairman fails or refuses to call such quarterly meeting of his board, the members of the board shall meet upon the written call of any two members mailed ten days in advance of the meeting. Two members of a three-member board and four members of a five-member board shall constitute a quorum, and the concurring votes of a simple majority of members shall be sufficient for the decision of all matters to be decided or transacted by it. Meetings of the board shall be open to the public.
- N. In any municipality, parish or fire protection district otherwise amenable to the provisions of this Part where either the fire or police service shall, for any reason, not be subject to this Part, then, and in such event, the board shall be comprised of three members, with only one member to be selected in accordance with the provisions of Sub-section C(2) above and only one member to be nominated by the service remaining, be it fire or police, as is provided in Sub-section C(3) above; all other provisions hereof to remain and be fully effective even though only one of the services, whether it be fire or police, are affected hereby.

Added by Acts 1964, No. 282, § 1. Amended by Acts 1965, No. 146, § 1; Acts 1980, No. 84, § 1; Acts 1984, No. 274, § 1; Acts 1997, No. 516, § 1, eff. July 3, 1997; Acts 1997, No. 524, § 1; Acts 1999, No. 454, § 1; Acts 1999, No. 455, § 1; Acts 1999, No. 457, § 1; Acts 1999, No. 1177, § 1.

§ 2536.1. St. Landry Parish Fire District No. 3 Civil Service Board; compensation of members

Notwithstanding any other provisions of this Part to the contrary, the members of the St. Landry Parish Fire District No. 3 Civil Service Board shall receive from funds available to the board compensation in an amount equal to and the same as the members of the Fire Board of Commissioners of St. Landry Parish Fire District No. 3, plus the same amount as said commissioners for mileage going to and from the meetings for the board.

Added by Acts 1981, No. 148, § 1.

§ 2536.2. Jefferson Parish; board and board secretary

- A. Notwithstanding the provisions of R.S. 33:2536(B)(1)(a), to be eligible for appointment to or to serve as a member of the Jefferson Parish Fire Civil Service Board, a person shall be a citizen of the United States of America, a resident of Jefferson Parish for a least five years preceding his appointment, and at the time of his appointment, a qualified voter of the parish.
- B. Notwithstanding the provisions of R.S. 33:2536(L), the Jefferson Parish Fire Civil Service Board may fill the office of secretary in one of the following ways:
- (1) By employing and paying on a part-time basis any other person a salary not to exceed fifty percent of the maximum rate of the salary of a full-time department records clerk of the Jefferson Parish Fire Civil Service System, which salary shall be subject to approval by the parish governing authority and the parish president.

- (2) By assigning the duties of the board secretary to an employee of the Eastbank Consolidated Special Services Fire Protection District subject to approval by the parish governing authority and the parish president.

Added by Acts 1982, No. 213, § 1. Amended by Acts 1996, 1st Ex.Sess., No. 19, § 1, Acts 2008, No.275, § 1 eff. June 16, 2008; Acts 2009, No. 393, § 1, eff. July 7, 2009.

§ 2536.3. Compensation of members; certain municipalities

Notwithstanding any provision of this Part to the contrary, in a municipality with a population of not less than seven thousand one hundred fifty persons and not more than seven thousand two hundred fifty persons as of the most recent federal decennial census, members of the civil service board of such a city may receive from funds available to the board a per diem for attendance at meetings of the board for a maximum of twenty-four days per year in amounts not to exceed the following:

- (1) Fifty dollars for the chairman of the board.
- (2) Twenty-five dollars for all other members.

Added by Acts 1997, No. 438, § 1.

§ 2537. Duties of the board

The board shall:

1. Represent the public interest in matters of personnel administration in the fire and police service of the municipal government, or parish government, or fire protection district government of which the fire service is a part.
2. Advise and assist the governing body, mayor, commissioner of public safety and the chief of the fire department of the municipality, or the parish governing authority, or fire protection district, governing authority, as the case may be, with reference to the maintenance and improvement of personnel standards and administration in the fire and police service, and the classified system.
3. Advise and assist the employees in the classified service with reference to the maintenance, improvement and administration of personnel matters related to any individual or group of employees.
4. Make, at the direction of the mayor, commissioner of public safety, chief of the fire department of the municipality, or president of the parish governing authority, or chairman of the board of commissioners of the fire protection district, or upon the written petition of any citizen for just cause or upon its own motion, any investigation concerning the administration of personnel or the compliance with the provisions of this Part in the fire and police service; review and modify or set aside, upon its own motion, any of its actions, and take any other action which it determines to be desirable or necessary in the public interest or to carry out effectively the provisions and purposes of this Part. However, any investigation requested of the board by the mayor, commissioner of public safety, chief of the fire department of the municipality, or president of the parish governing authority, or chairman of the board of commissioners of the fire protection district, or upon the written petition of any citizen for just cause shall be completed within sixty days of the receipt of the request for an investigation or receipt of a written petition of any citizen, or both.
5. Conduct investigations and pass upon complaints by or against any officer or employee in the classified service for the purpose of demotion, reduction in position or abolition thereof, suspension or dismissal of the officer or employee, in accordance with the provisions of this

Part. Investigations conducted pursuant to the provisions of this Paragraph shall be completed within sixty days. However, the sixty-day limitation shall not apply to any investigation conducted pursuant to the provisions of Subpart H of Chapter 4 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:2181 et seq.

6. Hear and pass upon matters which the mayor, commissioner of public safety, the chief of the fire or police departments of the municipality, or any member of the parish or fire protection district governing authority or the state examiner of fire and police civil service brings before it.
7. Make, alter, amend and promulgate rules necessary to carry out effectively the provisions of this Part.
8. Adopt and maintain a classification plan. The classification plan shall be adopted and maintained by rules of the board.
9. Make reports to the governing body, either upon its own motion or upon the official request of the governing body, regarding general or special matters of personnel administration in and for the fire or police service of the municipality, parish or fire protection district, as the case may be, or with reference to any appropriation made by the governing body for the expenses incidental to the operation of the board.

Added by Acts 1964, No. 282, § 1. Amended by Acts 1965, No. 146, § 1; Acts 2004, No. 274, § 1.

§ 2538. Rules

Each board may adopt and execute rules, regulations and orders necessary or desirable effectively to carry out the provisions of this Part, and shall do so when expressly required by this Part. No rule, regulation or order shall be contrary to or in violation of any provisions, purpose or intent of this Section or contrary to any other provisions of law. The board may amend or repeal any rule or part thereof in the same manner provided herein for the adoption of the rule.

A board may adopt any rule, either in its proposed or revised form, after holding a public hearing at which any officer or employee of the government of which the fire or police service is a part, and any private citizen and the state examiner shall be given an opportunity to show cause why the proposed rule or amendment, or any part thereof, should not be adopted. Before the board holds this public hearing, it shall furnish at least thirty days notice in advance of the date, time and place therefor to the mayor, commissioner of public safety, and any other municipal commissioner whom the rule may in any way affect, or the parish governing authority or fire protection district governing authority having jurisdiction over the fire or police service, and to the chief and each station of the departmental services to be affected by the adoption of any such rule, and to the state examiner. A copy of all proposed rules to be discussed at any hearing shall be furnished with all notices. Each notice and copy of proposed rule furnished the various stations of the fire and police departments shall be posted upon the bulletin board of each station for a period of at least thirty days in advance of the hearing.

Within thirty days after the board has adopted any rule, whether it is a new rule, an amendment of an existing rule, or an abolition in whole or part thereof, it shall furnish an official copy thereof to all persons and places set forth above.

Rules adopted under the authority of this Part shall have the force and effect of law.

Added by Acts 1964, No. 282, § 1. Amended by Acts 1965, No. 146, § 1.

§ 2539. State examiner and deputy state examiner

- A. The state examiner of municipal fire and police civil service and the deputy state examiner created and provided for by R.S. 33:2479 shall serve the municipal civil service for firemen and policemen provided by this Part and shall perform the same functions with regard to municipal, parish and fire protection district civil service for firemen and policemen as provided in this Part as they are required to perform under the provisions thereof. The state examiner shall:
- (1) Assist the various boards in an advisory capacity in the discharge of their duties.
 - (2) Prepare and submit a classification plan to each board for its approval, after consultation with the appointing and departmental authorities of the departmental service for which a plan is prepared and submitted, as provided in R.S. 33:2543.
 - (3) Prepare and administer tests of fitness for original entrance and promotion to applicants for positions in the respective classified services of the municipalities, parishes and fire protection districts; score the tests and furnish the results to the board for which the tests are given.
 - (4) Cooperate with the secretary of each board in maintaining a roster of all fire and police civil service employees in which shall be set forth the name of each employee, the class title of position held, the salary or other compensation, any change in class title, and any other necessary data.
 - (5) Assist and cooperate in an advisory manner with the various appointing authorities, departments, officers and the classified employees of the municipalities, parishes and fire protection districts regarding the duties and obligations imposed upon them by provisions of this Part.
 - (6) Encourage employee training in the classified service and, when possible, attend the training courses or parts thereof.
 - (7) Make annual or biennial reports regarding the work of his office to the Governor.
- B. The state examiner may delegate to the deputy state examiner such of the above duties as he may deem expedient.

Added by Acts 1964, No. 282, § 1. Amended by Acts 1965, No. 146, § 1; Acts 1999, No. 456, § 1.

§ 2540. Appropriations; facilities for board

The legislature shall make adequate annual appropriations to enable the state examiner and deputy state examiner to carry out effectively the duties imposed upon them by this Part. The governing body of the municipality, parish or fire protection district, as the case may be, shall make adequate annual appropriations to enable the board thereof to carry out effectively the duties imposed upon the board and shall furnish the board with office space, furnishings, equipment, and supplies and materials necessary for its operation.

Added by Acts 1964, No. 282, § 1.

§ 2541. Classified and unclassified service

- A. The classified service shall comprise every position, except those included in the unclassified service, to which the right of employee selection, appointment, supervision, and discharge is vested in the government of the municipality, parish or fire protection district as the case may be, under which the fire or police service functions, or in an officer or employee thereof, and which has as its primary duty and responsibility one of the following:

(Fire)

1. The chief and assistant chiefs; the intradepartmental division, bureau, squad, platoon and company officers of the fire department.
2. Fire fighting and police.
3. Fire prevention; inspection.
4. Driving, tillering and operation of fire apparatus.
5. Operation and maintenance of radio, fire alarm or signal system.
6. Fire and police department instructors in employee training.
7. Fire salvage and overhauling services, and first aid.
8. Automotive or fire and police apparatus repairs, if such service is operated exclusively by and for the fire and police department.
9. Secretary to the chief and departmental records clerk.

B. The unclassified service shall comprise the following:

1. All officers, employees and positions of employment in the municipal, parish or fire protection district government not having as a principal duty one of the duties hereinabove provided in the classified service.
2. Officers elected by popular vote and persons appointed to fill vacancies in elective offices.
3. Secretaries, stenographers and all clerical positions not specifically included in the classified service.
4. Janitors, porters, elevator operators, chefs, kitchen helpers and workers, mechanic's helpers, car washers, unskilled labor or any part-time or temporary employee.
5. Any position of employment, the duties of which are included in the classified service, to which the right of employee selection, appointment, supervision and discharge is vested in and with those other than the municipal, parish or fire protection district government or an officer or employee thereof.

Added by Acts 1964, No. 282, § 1.

**§ 2542. Right of employee who entered armed forces
to be reinstated**

Any regular permanent employee who, subsequent to May 1, 1940, left a position of the departmental service which now comes within the classified service and entered the armed forces of the United States shall be restored to his position and, thereafter, shall be subject to the rights and jurisdiction of the classified service created by this Part, if he makes application therefor to the appointing authority within sixty days from the date of his honorable discharge or discharge under honorable conditions, and if he is physically and mentally capable of performing the work of his position to the satisfaction of the appointing authority.

Added by Acts 1964, No. 282, § 1.

§ 2543. Classification plan

As soon as practicable, but in all events within a period not to exceed eighteen months after this Part takes effect, each board shall adopt a classification plan for the fire and police service under its jurisdiction. Each classification plan shall consist of classes to be designated either by standard titles, ranks or a combination thereof for all positions included in the classified service for the fire and police service. The classification plan may be divided into groups of classes. The various classes of position shall be arranged in each classification plan so as to show the principal and natural lines of promotion and demotion. The classification plan shall be adopted as rules of the board, in the manner provided by this Part for the adoption of rules. Rules creating the classification plan, future classifications, abolition of any classification, any amendment thereto, or revision thereof shall be adopted by a board only after consultation with the appointing authority, and the state examiner. The original classification plan to be established when this Part takes effect in a municipality, parish or fire protection district shall be prepared after consultation with the appointing authority, and shall be submitted by the state examiner to the board for its approval and adoption. The board may amend or revise the classification plan before adopting it. The state examiner shall advise and assist the board in all future classifications whenever requested to do so.

Added by Acts 1964, No. 282, § 1.

§ 2544. Allocation of positions to classes

The board, or the chairman thereof subject to the subsequent approval of the board, as soon as practicable but within a period not exceeding forty-five days after the adoption of a classification plan, after consultation with the appointing authority concerned shall allocate each position in the classified service to its appropriate class; and thereafter shall likewise allocate each new position created in the service, and, when for the benefit of the service, reallocate positions from class to class.

Whenever the duties of a position are so changed by the appointing authority that the position in effect becomes one of a different class from that to which it is allocated, the change shall operate to abolish the position and to create a new position of the different class.

Whenever the board finds any change in the duties of any position in the classified service was brought about by the appointing authority to effect a reduction in the classification of any employee because of political, religious or discriminatory reasons, or without just cause, it shall refuse to recognize any such action, and shall order the appointing authority to continue the employee in the position and class with all rights and privileges.

Added by Acts 1964, No. 282, § 1.

§ 2545. Use of class titles

The title of each class shall be the official title of every position allocated to the class for all purposes having to do with the position as such, and shall be used to the exclusion of all other titles on all payrolls, budget estimates and official records and reports pertaining to the position, except that any abbreviation or code symbol adopted by the board may be used to designate a position of a class. Any other title satisfactory to the appointing authority may be used in official correspondence and in any other connection not having to do with the personnel processes covered by this Section. No employee shall be appointed, employed or paid under any title other than that of the class to which the position held by him is allocated.

Added by Acts 1964, No. 282, § 1.

§ 2546. Status of incumbent of position when allocated

Every person employed in the municipal fire and police service for a continuous period of at least six

calendar months immediately preceding the date that this Part takes effect in the municipality, parish or fire protection district who was regularly and permanently appointed to a position coming under the classified service, shall be inducted into and be bound under the classified service, the provisions of this Part and the rules adopted hereunder.

When any position is first allocated hereunder, or is reallocated to a different class to correct an error in its previous allocation or because of a change in the duties of a position which has the effect of abolishing the position and creating a new position of another class, the employee in the position may continue to serve therein, with the status and all the rights and privileges he would have had under this Part if he had been originally appointed by examination and certification hereunder to a position of the class to which the position has been allocated or reallocated. Such employee, however, may be transferred without further tests of fitness or certification to any position of the class to which the position was previously allocated while held by the employee.

Any employee who feels himself aggrieved because of any allocation or change in classification affecting his position shall, upon his request, be heard thereon by the board; and the board shall hear and decide the complaint in any manner deemed proper.

Added by Acts 1964, No. 282, § 1.

§ 2547. Methods of filling vacancies

Vacancies in positions in the classified service shall be filled by one of the following methods:

1. Demotion
2. Transfer
3. Reinstatement
4. Promotional appointment
5. Competitive appointment
6. Re-employment
7. Temporary appointment

A vacancy shall be considered filled under any of the methods specified above, and employment thereunder shall be effective as of the date on which the employee enters upon the duties thereof.

Added by Acts 1964, No. 282, § 1.

§ 2548. Demotion

Demotions of regular employees shall be made by the appointing authority when it becomes necessary to reduce the number of employees in the classified service or in any class therein. Demotions from any class, except for disciplinary action or because of the abolition of an entire class in the classified service, shall be made by demoting employees from lowest to highest in point of total seniority earned in positions of the class plus that earned in any higher classes in the classified service. The names of regular employees demoted for any reason, except for disciplinary action, shall be recorded upon the reinstatement list for the class from which they are demoted in the order in which the demotions are made.

Added by Acts 1964, No. 282, § 1.

§ 2549. Transfer

Any employee may be transferred from any position in the classified service to any other position of the same class within the classified service at the pleasure of the appointing authority, without notice to and confirmation by the board.

Any regular employee so transferred shall have the right of appeal to his board upon the grounds (1) that his transfer was made to a position not included within the class to which his position was previously allocated, or (2) that the position to which he has been transferred is not included within the classified service, or (3) the transfer was made deliberately to discriminate against him.

Added by Acts 1964, No. 282, § 1.

§ 2550. Reinstatement and reemployment

- A. Each employee who, during or at the expiration of his working test period of probation following his promotion after being certified from an appropriate employment list, is rejected and refused permanent status in the position and class to which he was promoted, shall be automatically reinstated to the position from which he was promoted without his name being placed upon any list.
- B. All employees whose names appear upon the reinstatement list for a respective class shall be reinstated in a position thereof, in the reverse order from which their names are placed upon the list, before any other appointment is made therein.
- C. All employees whose names appear upon the re-employment list for a class from which they were laid off according to the provisions of R.S. 33:2559, shall be re-employed in a position thereof, or offered such appointment, in the reverse order from which their names were placed upon the list for the class and before any other employment or appointment is made in it.
- D. Any regular employee who resigns from a position in the classified service may, with the prior approval of the board, be reemployed in a position of the class or in a position of any lower class for which he is qualified, provided the reemployment is made within four years of the date of resignation, and provided no person whose name appears upon either the reinstatement, promotional employment, or reemployment list for a class to which any such person is reemployed is willing to accept an appointment therein. Any person who is reemployed shall be physically fit to perform the duties of the position to which he is appointed. He shall furnish a favorable medical certificate to the appointing authority and the board after a recent examination by a practicing physician.

Added by Acts 1964, No. 282, § 1. Amended by Acts 1985, No. 539, § 1.

§ 2551. Establishment and maintenance of employment lists

The board shall establish and maintain lists containing names of persons eligible for appointment to the various classes of positions in the classified service, as follows:

- (1) Names of regular employees who are demoted from any class for a reason other than disciplinary action shall be placed upon the reinstatement list for the class from which they were demoted in the order in which the demotions were made.
- (2) Only the names of regular employees who have been laid off in accordance with provisions of R.S. 33:2559 shall be eligible for entry upon the re-employment list. The names of such persons shall be entered upon the re-employment list for the class from which they were laid off in the order in which the layoffs were made.
- (3) A name placed upon either the reinstatement or the re-employment list shall remain thereon for a period of four years. The board, however, may remove the name of any person who refuses an offer of employment following a certification from either list.

- (4) Names of persons attaining a passing score on a promotion test shall be placed upon the promotion employment list for the class for which they were tested, from highest to lowest, according to their total seniority in the departmental service. The names of persons attaining a passing score on a competitive test shall be placed upon the competitive employment list for the class for which they were tested, from highest to lowest, according to their final test scores.
- (5) Any person whose name is placed upon the competitive employment list for the entrance or lowest ranking class in the classified service who has served in the armed forces of the United States of America during time of war, and who has been honorably discharged or discharged under honorable conditions, shall have added to his final test score a total of five points at the time of placing his name upon the list. Proof of such service and discharge shall be required by the board in any manner it deems advisable.
- (6) The minimum and maximum period for which a name may remain upon a promotional and competitive employment list shall be twelve and eighteen months, respectively, for each list.
- (7) The employment list for which eligibles are obtained from the results of tests given for that purpose shall be re-established in the manner provided in this Section.
- (8) When new names are to be placed upon a promotion list for a given class, the remaining names thereon shall be re-arranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to total seniority in the departmental service. When new names are to be placed upon a competitive list for a given class, the remaining names thereon shall be re-arranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to their final test scores.
- (9) A person who has attained a passing score on an examination administered by the state examiner for entrance police officer, entrance firefighter, or for the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police services is the primary duty may have his name placed on the employment list of any municipality, parish, or fire protection district under the Municipal Fire and Police Civil Service System, provided the person's application and score are accepted by the board of the municipality, parish, or fire protection district in which he seeks employment. In order that his name may be placed upon the employment eligibility list, a person shall be required to meet the minimum qualifications adopted as rules of the respective civil service board, as if making original application for admission to the test. The eligibility of such an applicant shall not continue past the date on which his original eligibility expired.

Added by Acts 1964, No. 282, § 1. Amended by Acts 1981, No. 937, § 1; Acts 1992, No. 213, § 1; Acts 1993, No. 186, § 1; Acts 2006, No. 216, § 1, eff. July 1, 2006.

§ 2551.1. Promotional employment lists; limitations

- A. Notwithstanding the provisions of R.S. 33:2551, departmental service in any classified police position with the primary duty or responsibility of police headquarters desk service, jailer, police matron, operations and maintenance of radio, police alarm or signal system, automotive or police apparatus repairs, secretary to the chief, or department records clerk shall not be counted by the municipal fire and police civil service board in determining the total seniority in the departmental service of a person for purposes of ranking the name of that person on a promotional employment list for a classified police position with the primary duty or responsibility of law enforcement, a position as chief or assistant chief, or a position as an intradepartmental division bureau, squad, platoon, or company officer of the police department.

- B. The provisions of this Section shall not be construed to affect the pay, retirement, or any other benefit based upon departmental service of any person occupying a classified police position in the municipal fire and police civil service.
- C. The provisions of this Section shall not be applicable to any person employed in any such position prior to July 1, 2004.

Added by Acts 2004, No. 428, § 1.

§ 2552. Tests

Tests to determine the eligibility of applicants for entry upon the promotional and competitive employment lists shall be provided, as follows:

(1)(a) The board shall provide through the state examiner for promotional or competitive tests. Official notice of examination shall be posted on the bulletin board in each station of the respective department. The notice shall state (i) class of positions for which tests will be given, (ii) whether the tests will be given on a promotional or competitive basis, and (iii) the final date on which applications for admission to the tests will be received. The notice shall be posted for a continuous period of thirty days preceding the date for administering the tests.

(b) In addition to the posted notice, public notice for all tests to be given on a competitive basis shall be published at least four times during the thirty-day period in the official journal of the municipality, parish, or fire protection district, as the case may be, in which such tests are to be held. This notice of examination need not state the exact date on which tests shall be administered, but all applicants shall be advised of the date, place, and time to report for an announced test at least five days in advance thereof in any manner the board may prescribe.

(2) As may be necessary from time to time, the state examiner may call for and administer examinations for the entrance classifications of firefighter, police officer, and for the entrance classes for positions of which the operation and maintenance of a radio, alarm, or signal system for the fire or police service is the primary duty. Tests may be administered at the discretion of the state examiner in any municipality, parish, or fire protection district to which this Part applies. Official notification shall not be made to the extent required under Paragraph (1) of this Section; however, public notice shall be published at least four times during a thirty-day period in the official journal of the state of Louisiana and may be posted on the bulletin board in each station of the respective department. This notice of examination need not state the exact date on which tests shall be administered, but all applicants shall be advised of the date, place, and time to report for an announced test at least five days in advance thereof in any manner the state examiner may prescribe.

(3) Each person in a group of candidates being tested at a given time for the same class of employment shall be given the same test, and it shall be administered in the same manner to each candidate. No questions shall be framed so as to elicit information concerning the political, factional, or religious opinions or affiliations of any applicant.

(4) All tests shall be restricted to those matters which will fairly test the relative capacity and fitness of the candidates to discharge the duties characteristic of positions of the class to which they seek to be appointed. Tests may include written or oral questions, trials on the performance of work characteristic of the class, inquiries into facts relating to education, experience, or accomplishments in specialized lines of endeavor, or any combination of these and other elements duly related to the purpose of the tests.

(5) Seventy-five percent shall constitute a passing score for all tests administered under the provision of this Part.

(6) Promotional tests for positions in the various classes in the classified service, except those

classes in which positions shall be filled only from the competitive list, may be held as the needs of the service require, but must be given at least one time during each successive period of eighteen months.

(7) Competitive tests shall be held only as the needs of the service require and shall be given for classes comprising only the following duties or positions:

- (a) Chief of the departmental service.
- (b) The entrance or lowest ranking class in the classified service.
- (c) The entrance or lowest ranking class in any group of classes where the various classes have been divided into groups by the classification plan.
- (d) Operation, maintenance, and supervision of radio, fire alarm, and other signal systems.
- (e) Automotive or fire apparatus mechanics and repairmen.
- (f) Secretary to the chief.
- (g) Departmental records clerk.
- (h) For a position in any class in the classified service after reasonable efforts by preceding methods provided by this Part have failed to produce names of persons eligible for regular appointment thereto.

(8) All tests required by this Part shall be prepared, administered, and scored by the state examiner in accordance with the provisions of this Part. The results of the tests shall be furnished the board for which the tests have been held as soon as practicable after the tests have been administered. All tests, questions, answers, and papers shall be kept at all times in the custody of the state examiner and shall be produced by him and exhibited by him at the domicile of any board upon its written request.

(9) The board for which any tests are administered may, at any time up to six months after receiving the results from the state examiner, receive and review any or all parts of the test and the methods used in its grading, in order to determine whether the test was a fair and reasonable one and was fairly graded. If, after the board reviews any test and consults with the state examiner, it concludes that any item or part of the test was unfair or unreasonable or it finds errors in the grading, it may, at its discretion, cause a regrading of the test, and, thereupon, it shall correct or establish the appropriate employment list in accordance with the revised ratings. If the board finds that a fair rating can be determined only from an entirely new test, it may cause a new test to be given to all persons taking the previous test and establish a new employment list for the class from the results of such new test.

(10) Each applicant who makes a passing score on a test provided by the board through the state examiner under the provisions of Paragraph (1) of this Section shall be advised, in any manner the board prescribes, of his final score and relative standing on the list appropriate for the class for which he was tested.

(11) Each applicant who makes a passing score on a test administered by the state examiner pursuant to Paragraph (2) of this Section shall be advised, in any manner the state examiner prescribes, of his final score. Such score may be reported and approved by the board under the provisions of R.S. 33:2551(9). The original eligibility of an applicant under the provisions of this Paragraph shall be the period of not more than eighteen months after the date on which the signature of the state examiner was affixed to his notification of score.

Added by Acts 1964, No. 282, § 1. Amended by Acts 1965, No. 146, § 1; Acts 2006, No. 493, § 2, eff.

July 1, 2006.

§ 2553. Admission to tests

- A. Admission to tests provided by the civil service board through the state examiner shall be as follows:
- (1) Admission to a promotional test shall be limited to regular employees of the class next lower than that for which they are to be examined. However, the rules may provide for admission to be extended to applicants from any one or more of the next lower classes.
 - (2) Admission to competitive tests shall be open to all persons who meet the requirements provided by this Part and the rules of the board.
 - (3) Any applicant admitted to a test shall be a citizen of the United States, and of legal age.
 - (4) Special requirements or qualifications for admission to tests or for eligibility for appointment, such as age, education, physical requirements, and the like, may be established by rules adopted by the board, after consultation with the appointing authority. Any applicant, at the time of his appointment to a position in the classified service, must be of good health, good moral character, and of temperate and industrious habits.
 - (5) The board may reject the application of any person for admission to tests for fitness, or refuse any applicant to be tested, or may cancel the eligibility of any eligible on any employment list, who:
 - (a) Is found to lack any of the qualifications prescribed, or which may be legally prescribed, as requirements for admission to the tests for the class for which he has applied;
 - (b) Is physically unfit to perform effectively the duties of a position of the class;
 - (c) Is addicted to the habitual use of drugs or intoxicating liquors to excess;
 - (d) Has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct;
 - (e) Has been dismissed from the fire or police service for delinquency or misconduct;
 - (f) Has made a false statement of any material fact; or
 - (g) Has practiced or attempted to practice deception or fraud in securing eligibility for appointment or attempting to do so.
- B. Any such facts also shall be considered cause for removal of any employee. The board shall reject any application filed after the time fixed for closing receipt of applications as announced in the public notice of the tests.
- C. Any applicant admitted to the competitive examinations which may be called for by the state examiner pursuant to R.S. 33:2552(2), for the classifications of entrance police officer, entrance firefighter, or for the entrance classifications comprising the duties of the operation and maintenance of radio, alarm, or signal systems for the respective department, shall be a citizen of the United States and of legal age.

Added by Acts 1964, No. 282, § 1. Amended by Acts 1999, No. 1092, § 1; Acts 2006, No. 212, § 2,

eff. July 1, 2006.

§ 2554. Certification and appointment

- A. Whenever the appointing authority proposes to fill a vacancy in the classified service, except by demotion, transfer, emergency appointment, or by substitute employment not to exceed thirty days, he shall request the board to certify names of persons eligible for appointment to the vacant position. The board thereupon shall certify in writing the names of eligible persons from the appropriate employment list, and the appointing authority shall, if it fills the vacancy, make the appointment as provided by this Section.
- B. The board first shall certify the name of the person appearing upon the reinstatement list who is eligible for the first reinstatement in the class of the vacant position. The name of this person and all others appearing upon the reinstatement list for the class shall be certified and offered the appointment in the order provided by R.S. 33:2550 (A) before the vacancy is filled by any subsequent method provided by this Part. The appointing authority shall appoint to the vacant position the first person so certified to it who is willing to accept the appointment. If the position is one of a class from which lay-offs have been made as provided by R.S. 33:2559, the names of eligible persons appearing upon the re-employment list for the class shall be certified and offered the appointment in the order provided by R.S. 33:2550 (C) before any other appointment is made thereto.
- C. In the event a vacancy cannot be filled by reinstatement or by re-employment as above provided, the board next shall certify the names of the persons upon the promotional list, in the order in which they appear thereon, for the class in which the vacancy is to be filled. The appointing authority shall select and appoint to the first vacancy to be filled the one person certified to it who has the greatest seniority in the departmental service. Any remaining positions to be filled in the same class shall be filled by appointing to each such successive vacancy the one of the remaining persons certified therefor who has the next highest seniority in the departmental service. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint one of the persons certified by the board with the next highest seniority in the department service. This procedure shall be followed until the position has been filled by appointment of the one person who has the greatest seniority in the departmental service who is willing to accept the appointment, or until each person whose name appears upon the list has in this order been certified and offered the appointment for the vacancy.
- D. Certification and appointment from the competitive list shall be limited to those conditions and classifications for which the competitive test may be given as provided by R.S. 33:2552 (5). Upon the appointing authority's request for the certification of eligible persons from which it may fill a vacancy, and if the competitive list is the appropriate list from which the names of eligible persons shall be certified, the board shall certify the names of the persons upon that list, in the order in which they appear thereon, for the class in which the vacancy is to be filled. The appointing authority shall select and appoint to the first vacancy to be filled any one of the persons so certified to it for the vacancy. In making such appointment to entry-level positions, the appointing authority shall give a preference to Louisiana residents. If any one of more persons so certified refuses the appointment, the appointing authority then shall select and appoint any one of the remaining persons certified by the board. This procedure shall be followed until the position has been filled by appointment of one of the persons certified from the list and willing to accept the appointment, or until each person whose name appears upon the list has in this manner been certified for the vacancy.
- E. Appointment to any position in the classified service from which the regular employee is away on an authorized leave of absence shall be made in accordance with the provisions of Sub-section B.
- F. The appointing authority shall notify the board of the filling of a vacancy as provided in R.S. 33:2563.

- G. It shall be mandatory for the appointing authority to fill each vacancy, including vacancies in classifications hereafter created, within 60 days of the occurrence of the vacancy. This shall not operate to prevent the board from abolishing any unnecessary classifications.

Added by Acts 1964, No. 282, § 1. Amended by Acts 1999, No. 1092, § 1; Acts 1999, No. 1093, § 1.

§ 2555. Working tests

- A. Every person appointed to a position in the classified service following the certification of his name from a promotional or a competitive employment list, except those appointed on a temporary basis, shall be tested by a working test while occupying the position before he may be confirmed as a regular and permanent employee in the position.
- B. (1)(a) Except as provided in Paragraph (2) of this Subsection, the period of the working test shall commence immediately upon appointment and shall continue for a period of not less than six months nor more than one year. Any employee, except an entry level fireman and an entry level radio, fire alarm, or signal system operator, who has served less than six months of his working test for any given position may be removed therefrom only with the prior approval of the board, and only upon one of the following grounds:
- (i) He is unable or unwilling to perform satisfactorily the duties of the position to which he has been appointed.
 - (ii) His habits and dependability do not merit his continuance therein.
- (b) Any such employee may appear before the board and present his case before he is removed.
- (2)(a) Each person selected for appointment to an entry level position in the classified service from the competitive firefighter, firefighter/operator, or police officer employment list who has demonstrated successful completion of formal training as provided in Subparagraph (c) of this Paragraph prior to such appointment shall immediately begin the working test.
- (b)(I) Any person selected for appointment to an entry level position in the classified service from the competitive firefighter, firefighter/operator, or police officer employment list who has not demonstrated successful completion of formal training as provided in Subparagraph (c) of this Paragraph prior to such appointment shall be employed by the appointing authority and reported to the board as a recruit and, whenever practical or possible, shall immediately begin such formal training. The formal training shall be provided for through the appointing authority, and the period for such formal training shall be for the duration of not more than six months from the date of appointment. The formal training period shall conclude six months from the date of original appointment or upon successful completion of the formal training, whichever occurs first, at which time the working test shall commence. The appointing authority shall, within fifteen days, advise the board of the appointment of the recruit as a probational firefighter, probational firefighter/operator, or probational police officer as the case may be.
- (ii) Nothing in this Paragraph shall be construed to require that a newly appointed firefighter, firefighter/operator, or police officer be terminated should he fail to enroll in or complete formal training within the six-month formal training period.
- (c)(I) Successful completion of formal training as required by this Paragraph for a position in the classification of firefighter or firefighter/operator shall be demonstrated by certification as Firefighter I in accordance with National Fire Protection Association Standard 1001.
- (ii) Successful completion of formal training as required by this Paragraph for a position in the classification of police officer shall be demonstrated by certification from a peace officer standards

and training accredited training program as provided by R.S. 40:2405 (A).

- C. Upon any employee completing his working test, the appointing authority shall so advise the board and furnish a signed statement to the respective employee of its confirmation and acceptance of the employee as a regular and permanent employee in the respective position or of its refusal to confirm the employee, and the reasons therefor. If, at the expiration of an employee's working test period, the appointing authority fails to confirm or reject the employee, such failure to act shall constitute a confirmation. Any employee who is rejected after serving a working test of six months but not more than one year may appeal to the board only upon the grounds that he was not given a fair opportunity to prove his ability in the position.
- D. The appointing authority may remove, and shall remove upon the order of the board, any employee during his working test period whom the board finds, after giving him notice and an opportunity to be heard, was appointed as a result of an error, misrepresentation, or fraud.
- E. In any event where any employee is permitted under this Part to appeal to the board, the decision of the board shall be subject to the judicial review provided by this Part and the appointing authority and employee shall be governed accordingly.

Added by Acts 1964, No. 282, Section 1. Amended by Acts 1997, No. 515, Section 1, eff. July 3, 1997, Acts 1999, No. 1139, Section 1, Acts 2005, No. 197, Section 1.

§ 2556. Temporary appointments

Temporary appointments may be made to positions in the classified service without the appointees acquiring any permanent status therein, as follows:

- (1) (a)(i) When a vacancy is to be filled in a position of a class for which the board is unable to certify names of persons eligible for regular and permanent or substitute appointment, the appointing authority may make a provisional appointment of any person whom it deems qualified. When practicable, the appointment shall be made by the provisional promotion of any employee of a lower class. A provisional appointment shall not continue for more than three months. No position in the classified service shall be filled by one or more provisional appointments for a period in excess of three consecutive months and successive like periods shall not be permissible. The board may, however, authorize the renewal of such appointment, or authorize such successive appointments for a period not to exceed three additional months whenever it has been impracticable or impossible to establish a list of persons eligible for certification and appointment to a vacancy. Except as provided in Item (ii) of this Subparagraph, any provisional appointment, if not terminated sooner, shall terminate upon the regular filling of the vacancy in any manner authorized under this Part and, in any event, within fifteen days after a certification from which a regular or substitute appointment, as the case may be, can be made under the provisions of this Part. A provisional appointment shall be reported to the board within fifteen days following the appointment.
- (ii) Any provisional appointment made to a position of the competitive classes, as provided for by R.S. 33:2552(7), shall be terminated upon the regular filling of the vacancy in any manner authorized under this Part and, in any event, within sixty days after certification from which a regular or substitute appointment, as the case may be, can be made under the provisions of this Part. A provisional appointment shall be reported to the board within fifteen days following the appointment.
- (b) During time of war, and after the board continues to offer tests provided by this Part in an effort to obtain persons eligible for regular and permanent appointment to a position of any class which has been permanently vacated by the regular employee thereof, if it finds it impossible to establish a list of persons qualified for certification and permanent appointment to the position in

the classified service, it may authorize the appointing authority to fill the position with a provisional appointee until the appropriate employment list can be established.

(c) Provisional appointments may be made in any position until a classification plan is prepared and adopted and for such time thereafter as may be required for the preparation and administration of tests and the establishment of employment lists from the results of the tests. But such special authority shall be valid for a period of not more than eighteen months immediately following the date that this Part takes effect in the municipality or parish or fire protection district, as the case may be.

- (2) A substitute appointment may be made to any position in the classified service (1) from which the regular and permanent employee is away on an authorized leave of absence, or (2) from which the regular employee is substituting for some other regular employee who is authorized to be away from his position. No position shall be filled by a substitute appointee for a time beyond that for which the regular and permanent incumbent is away on an authorized leave. Whenever such appointment shall continue for not more than thirty days, the appointing authority may appoint thereto any one whom he deems qualified. Substitute appointments made for a period exceeding thirty days shall be made in the same manner as provided in R.S. 33:2554 for the filling of a vacancy by a regular and permanent appointment. Any person employed on a substitute basis shall, for the duration of the temporary employment, enjoy the class title and be entitled to receive the rate of pay for the class and position in which he is employed. The appointing authority shall notify the board within fifteen days following any substitute appointment made for a period to exceed thirty days, the name of the appointee, the class of position filled, the period for which the appointment was made, and shall attach to the notification a signed copy of the leave of absence granted the employee for whom the appointee is substituting.
- (3) Emergency appointment of any person may be made at any time the need of the service requires because of any local emergency of a temporary and special nature. No such appointment shall be effective or continued for a period greater than ninety days, but in any case, an emergency appointment shall be terminated upon the conclusion of the emergency period. In the event that a state of emergency is declared by the governor, such appointments shall be effective for the duration of the state of emergency.

Added by Acts 1964, No. 282, § 1. Amended by Acts 1977, No. 56, § 1; Acts 2006, No. 491, § 1, eff. July 1, 2006, Acts 2008, No. 265, § 1, eff. July 1, 2008.

§ 2557. Leaves of absence

The board shall adopt rules to provide for leaves of absence in the various classes of the classified service. Such rules shall provide for annual vacation and sick leaves with pay, and for special leaves with or without pay. They may provide for special extended leaves with or without pay or with reduced pay for employees disabled through injury or illness arising out of their employment. The right to regulate the time at which any employee may take an annual leave, or any other leave which is not beyond the control of the employee, shall be vested at all times in the appointing authority.

Added by Acts 1964, No. 282, § 1.

§ 2558. Abolition of positions in the classified service

Whenever the appointing authority abolishes a position in the classified service and there is no position vacant in the respective class to which the regular employee of the abolished position may be transferred, the employee shall be transferred to any position of the same class which may be held by a provisional employee. If there is no such position, he shall be transferred to another position in the respective class, and the holder of that position thereupon shall be demoted in the order provided by R.S. 33:2548.

Added by Acts 1964, No. 282, § 1.

§ 2559. Lay-offs

If for any reason the lowest class in the classified service, or the lowest class in a respective group of classes, as grouped by the classification plan, should become overburdened with the number of persons holding positions therein, and a reduction of personnel becomes necessary, the reduction shall be made only by laying off persons without pay. The order of removal shall begin with the person youngest in point of his accumulated total service in the departmental service and shall continue upward until all persons to be removed have been laid off. Lay-offs shall be made from positions only within the classes above set forth. The names of persons laid off, the date, the class or position held and the order in which such person was laid off shall be reported to the board by the appointing authority. Thereupon, the board shall enter such information upon the re-employment list applicable for the class from which each person was removed.

Added by Acts 1964, No. 282, § 1.

§ 2560. Corrective and disciplinary action for maintaining standards of service

- A. The tenure of persons who have been regularly and permanently inducted into positions of the classified service shall be during good behavior. However, the appointing authority may remove any employee from the service or take such disciplinary action as the circumstances warrant in the manner provided below, for any one of the following reasons:
1. Unwillingness or failure to perform the duties of his position in a satisfactory manner.
 2. The deliberate omission of any act that it was his duty to perform.
 3. The commission or omission of any act to the prejudice of the departmental service or contrary to the public interest or policy.
 4. Insubordination.
 5. Conduct of a discourteous or wantonly offensive nature toward the public or toward any municipal officer or employee, and any dishonest, disgraceful or immoral conduct.
 6. Drinking vinous or spirituous liquors while on duty or reporting for duty while under the influence of intoxicating beverages.
 7. The use of intoxicating liquors or habit forming drugs, liquids or preparations to an extent which precludes the employee from performing the duties of his position in a safe or satisfactory manner.
 8. The conviction of a felony.
 9. Falsely making a statement of any material fact in his application for admission to any test for securing eligibility or appointment to any position in the classified service, or practicing or attempting to practice fraud or deception in any test.
 10. Using or promising to use his influence or official authority to secure any appointment to a position within the classified service as a reward or return for partisan or political services.

11. Soliciting or receiving any money or valuable thing from any person for any political party or political purpose.
 12. Inducing or attempting to induce, by threats of coercion, any person holding a position in the classified service to resign his position, take a leave of absence from his duties or waive any of his rights under the provisions of this part or of the rules of the board.
 13. The development of any defect or physical condition which precludes the employee from properly performing the duties of his position, or the development of any physical condition that may endanger the health or lives of fellow employees.
 14. The willful violation of any provision of this Part or of any rule, regulation or order adopted under its authority.
 15. Any other act or failure to act which the board deems sufficient to show the offender to be an unsuitable or unfit person to be employed in the fire and police service.
- B. Unless the cause or condition justifies an employee being permanently removed from the service, disciplinary action may extend to suspension without pay for a period not exceeding the aggregate of ninety days in any period of twelve consecutive months, reduction in pay to the rate prevailing for the next lower class, reduction or demotion to a position for any lower class and to the rate of pay prevailing therefor, or such other less drastic action that may be appropriate under the circumstances. Nothing contained herein shall prevent any employee who is physically unable to perform the duties of his position from exercising his rights of voluntary retirement under any applicable law.
- C. Although it is incumbent upon the appointing authority to initiate corrective or disciplinary action, the board may, and shall upon the written request of any qualified elector of the state which sets out the reasons therefor, make an investigation of the conduct and performance of any employee in the classified service and, thereupon, may render such judgment and order action to be taken by the appointing authority. Such action shall be taken forthwith by the appointing authority.
- D. In every case of corrective or disciplinary action taken against a regular employee of the classified service, the appointing authority shall furnish the employee and the board a statement in writing of the action and the complete reasons therefor.

Added by Acts 1964, No. 282, § 1.

§ 2561. Appeals by employees to the board

- A. Any regular employee in the classified service who feels that he has been discharged or subjected to any corrective or disciplinary action without just cause may, within fifteen days after the action, demand in writing a hearing and investigation by the board to determine the reasonableness of the action. The board shall grant the employee a hearing and investigation within thirty days after receipt of the written request.
- B. (1) All such hearings and investigations conducted by the board pursuant to the provisions of this Part shall be open to the public. No hearing and investigation shall be held unless both the employee and the appointing authority have been advised at least ten days in advance thereof of the date, time and place therefor. If either the appointing authority or the employee fails to appear at the place and on the day and at the hour fixed for the hearing, the board may decide the issue involved on the basis of the evidence adduced and confined to the question of whether the action taken against the employee was made in good faith for cause set forth in the provisions of this Part.

(2) Both the employee and the appointing authority shall be afforded an opportunity to appear before the board, either in person or with counsel, and present evidence to show that the action was or was not taken in good faith for cause as set forth in the provisions of this Part.

(3) The board shall have complete charge of any such hearing and investigation, and may conduct it in any manner it deems advisable, without prejudice to any person or party thereto. The procedure followed shall be informal and not necessarily bound by the legalistic rules of evidence. The board shall not be required to have the testimony taken and transcribed, but either the employee or the appointing authority may, at their own expense, make the necessary arrangements therefor. In such cases, the board may name any competent shorthand reporter as the official reporter. If the testimony is not taken or transcribed, then the board shall make a written finding of fact.

C. (1) After such investigation, if the evidence is conclusive, the board may affirm the action of the appointing authority. If it finds that the action was not taken in good faith for cause under the provisions of this Part, the board shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, demoted, or discharged, which reinstatement shall, if the board so provides, be retroactive and entitle him to his regular pay from the time of removal, suspension, demotion, discharge, or other disciplinary action. The board may modify the order of removal, suspension, demotion, discharge, or other disciplinary action by directing a suspension without pay for a given period, a reduction in pay to the rate prevailing for the next lower class, a reduction or demotion to a position of any lower class and to the rate of pay prevailing thereof, or such other lesser punitive action that may be appropriate under the circumstances.

(2) The decision of the board, together with its written findings of fact, if required, shall be certified in writing to the appointing authority and shall be enforced forthwith by the appointing authority.

(3) Any employee of the classified service and any appointing authority affected by the finding of the board as provided in Paragraph (1) of this Subsection who is able to produce evidence of a violation of the provisions of R.S. 33:2565 such that the violation was material to the finding of the board may, within six months after the date of the board's finding, request in writing a reconsideration by the board on the matter. Such written request shall provide the name of any person in violation of R.S. 33:2565 and the details of the evidence. The board shall set the matter for reconsideration within thirty days after receipt of the written request and, based upon the merits of the evidence presented, may hold and conduct an investigation and hearing pursuant to this Part. Such hearing and investigation, if conducted, shall be held within thirty days of the board's decision. If the board determines that such violation occurred and was material to its original decision, the board may modify or reverse its decision and shall take any corrective action as authorized under the provisions of this Part. An appeal of the finding of the board under the provisions of this Paragraph may be taken by the employee or the appointing authority in accordance with the provisions of Subsection B of this Section; however, the exercise of the appeal for reconsideration under the provisions of this Paragraph shall not be used for the purpose of extending the prescriptive period for appeal to district court following the board's original finding.

D. Notwithstanding the provisions of this Section or any other provision of law to the contrary, any member of the board who is the immediate supervisor or direct work associate of any officer or employee appealing removal, suspension, demotion, discharge, or any other disciplinary action by the appointing authority and who is directly involved in the incident out of which such action arose shall recuse himself from voting on any decision by the board to affirm, reverse, or modify the order of the appointing authority. Also, any immediate family member of the appealing employee shall recuse himself from voting on any such decision. For purposes of this Subsection, immediate family member shall mean any parent, child, sibling, or spouse. If such recusal by a member of the board results in the inability of the board to make a finding of fact or to reach a decision by the concurring votes as provided by R.S. 33:2536(M), the board shall be considered to have affirmed the action

of the appointing authority.

- E. Any employee under classified service and any appointing authority may appeal from any decision of the board or from any action taken by the board under the provisions of this Part which is prejudicial to the employee or appointing authority. This appeal shall be taken by serving the board, within thirty days after entry of its decision, a written notice of appeal, stating the grounds thereof and demanding that a certified transcript of the record, or written findings of fact, and all papers on file in the office of the board affecting or relating to such decisions, be filed with the designated court. The board shall, within ten days after the filing of the notice of appeal, make, certify and file the complete transcript with the designated court and that court thereupon shall proceed to hear and determine the appeal in a summary manner. This hearing shall be confined to the determination of whether the decision made by the board was made in good faith for cause under the provisions of this Part or to whether a board member should have or failed to recuse himself in accordance with Subsection D of this Section. No appeal to the court shall be taken except upon these grounds.

Added by Acts 1964, No. 282, § 1., Amended by Acts 1999, No. 457, § 1., Acts 2006, No. 270, § 1, eff. Aug. 1, 2006, Acts 2008, No. 309, § 1, eff. June 17, 2008.

**§ 2562. Oath, testimony, production of records;
refusal to testify**

Each member of the board shall have the same power and authority to administer oaths, subpoena witnesses and compel the production of books and papers pertinent to any investigation or hearing authorized by this Part as is possessed by the district courts of Louisiana. Any person who (1) fails to appear in response to a subpoena, (2) fails to answer any questions, except those which may tend to incriminate him, (3) fails to produce any books or papers pertinent to any investigation or hearing, or (4) knowingly gives false testimony therein shall be subject to the penal provisions of this Part. In case of contumacy or refusal to obey a subpoena issued to any person, the district court within the jurisdiction of which the investigation is being carried on, or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, or resides, or transacts business, upon application of the board, shall have the requisite jurisdiction to issue to the person an order requiring him to appear before the board, its member or agent, and to produce the required evidence or give testimony touching the matter under consideration or in question. Any person failing to obey such order may be punished by the court for contempt.

Any officer or employee in the classified service who wilfully refuses or fails to appear before any court, officer, board, body or person properly authorized to conduct any hearing or inquiry, or any employee or officer who, having appeared, refuses to testify or answer any relevant question relating to the affairs of government of the municipality, parish or fire protection district or the conduct of any officer or employee thereof, except upon the ground that his testimony or answers would tend to incriminate him, shall, in addition to any other penalty to which he may be subject, forfeit his position, and shall not be eligible for appointment to any position in the classified service for a period of six years.

Added by Acts 1964, No. 282, § 1.

§ 2563. Duties of officers and employees

The appointing authority shall report to the board within fifteen days following any appointment or employment in a position in the classified service, unless otherwise provided, the name of the appointee, the title and character of his office or employment and the date the employee commenced work in the position. The appointing authority also shall report the date of and official action in, or knowledge of, any separation, promotion, demotion, suspension, lay-off, reinstatement, or re-employment in the classified service.

§ 2564. Political activities prohibited

- A. Political activities by and extending to employees of the classified service are hereby prohibited as follows:
- (1) No person shall seek or attempt to use any political endorsement, in connection with any appointment to a position in the classified service.
 - (2) No person shall use or promise to use directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.
 - (3) No employee in the classified service shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purpose, or solicit or take part in soliciting any such assessment, subscription, or contribution. No person shall solicit any such assessment, subscription or contribution of any employee in the classified service. The prohibitions of this paragraph (3) shall not be construed as applying to membership dues paid or contributions made to non-political employee organizations, pension funds, civic enterprises, the Louisiana Civil Service League or any similar non-political and non-partisan organization.
 - (4) No employee in the classified service shall (a) be a member of any national, state, or local committee of a political party, (b) be an officer or member of a committee of any factional or political club or organization, (c) be a candidate for nomination or election to public office, (d) make any political speech or public political statement in behalf of any candidate seeking to be elected to public office, or (e) take any part in the management or affairs of any political party or in the political campaign of any candidate for public office, except to privately express his opinion and to cast his vote.
 - (5) No person elected to public office shall, while serving in the elective office, be appointed to or hold any position in the classified service.
 - (6) No appointing authority, or agent or deputy thereof, shall directly or indirectly, demote, suspend, discharge or otherwise discipline or discriminate against any person in the classified service for the purpose of influencing his vote, support, or other political activity in any election or primary election. No appointing authority, or agent or deputy thereof, shall use his official authority or influence, by threats, promises or other means, directly or indirectly to coerce the political action of any employee in the classified service.
- B. The appointing authority shall discharge from the service any employee whom it deems guilty of violating any one or more of the provisions to this Part. The board may, upon its own initiative, investigate any officer or employee in the classified service whom it reasonably believes guilty of violating any one or more of the provisions of this Part. The board shall, within thirty days after receiving the written charges, hold a public hearing and investigation and determine whether such charges are true and correct. If the board should find upon its investigation of any employee that he has violated any of the foregoing provisions, the board shall order the appointing authority to forthwith discharge the guilty employee from the service and the appointing authority shall forthwith discharge the employee.

- C. Whoever violates this Part shall be subject to the penalties provided in R.S. 33:2567. In addition any employee in the classified service who is discharged because of violating any of the foregoing provisions shall not again be eligible for employment or public office in the classified service for a period of six years from the time of his discharge.

Added by Acts 1964, No. 282, § 1.

§ 2565. Other prohibited acts

No person shall:

1. Make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any of the provisions of this Part, or commit or attempt to commit any fraud preventing the impartial execution of this Part, and the rules of the board.
2. Directly or indirectly give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.
3. Defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this Part, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

Added by Acts 1964, No. 282, § 1.

§ 2566. Legal services

If this Part or its enforcement by the board is called into question in any judicial proceedings, or if any person fails or refuses to comply with the lawful orders or directions of the board, the board may call upon the attorney general, or the chief legal officer of the municipality, parish or fire protection district under which the fire and police service functions or may employ independent counsel to represent it in sustaining this Part and enforcing it. Nothing contained herein shall prevent any municipal, parish or fire protection district officer, employee or private citizen from taking legal action in the courts to enforce the provisions of this Part or of any rules, order or other lawful action of the board.

Added by Acts 1964, No. 282, § 1.

§ 2567. Penalties

Whoever wilfully violates any provision of this Part or of the rules thereby authorized shall be fined not more than five hundred dollars and shall, for a period of six years, be ineligible for appointment to or employment in any position of the classified service. If the offender is an officer or employee of the classified service, he shall forfeit his office or position.

Added by Acts 1964, No. 282, § 1.

§ 2568. Effect of other laws

This Part shall not be rendered ineffective by any general law affecting employees or departments of municipalities, parishes or fire protection districts in matters of classified civil service.

Added by Acts 1964, No. 282, § 1.

§ 2569. Assistant police chief; certain municipalities

Notwithstanding the provisions of R.S. 33:2541 or any other law to the contrary, the position of assistant chief of police for any municipality with a population of at least ten thousand five hundred but not more than ten thousand nine hundred persons as of the most recent federal decennial census shall be in the unclassified service, and the right of selection, appointment, supervision, and discharge for such positions shall be vested in the chief of police of the municipality.

Added by Acts 2004, No. 273, § 1.

PART IV. MISCELLANEOUS PROVISIONS

§ 2586. Fire and police civil service; incentive pay

The fire and police civil service board of any municipality with a population of less than four hundred seventy-five thousand, and the civil service board of any municipality, parish, or fire protection district with a classified fire and police civil service system established as provided in R.S. 33:2471 or 2531 may establish a plan for awarding incentive pay to classified employees. The plan shall include the criteria for eligibility for incentive pay, the method by which classified employees shall be reviewed for eligibility, and how such eligibility shall be determined. Determination of the amount of incentive pay and which classified employees are to receive incentive pay shall be made by the appointing authority for the municipality, parish, or fire protection district subject to available funds budgeted for such purpose. The incentive pay awarded under the provisions of this Section shall be in addition to any other salary the classified employee is entitled to receive from the municipality, the state, or any other governmental entity.

Added by Acts 1982, No. 105, § 1. Amended by Acts 1991, No. 289, § 10; Acts 1999, No. 1165, § 1.

§ 2589. Additional compensation for work on holidays, firemen and policemen

Any fireman or policeman who is employed by a municipality to which the provisions of this Part are applicable and who is required to work during the calendar day on any holiday which is declared by the governing authority of the municipality shall receive, in addition to the compensation to which such employee would be entitled under laws and pay plans now in effect, compensation at a rate of one-half times his usual salary, to be determined by reducing his average monthly salary to an hourly scale. However, in lieu of additional compensation as authorized in this Section, the governing authority of the municipality may grant any such employee time off from work for which the additional compensation would be due and payable. This Section shall not be construed to require a municipality to pay compensation for work on a holiday in excess of one and one-half times the employee's usual salary.

Added by Acts 2008, No. 500, § 1, eff. June 25, 2008.